

REMARKS

This amendment responds to the Office Action dated June 23, 2004.

The Examiner stated that the applicant had not submitted a properly executed oath or declaration in accordance with 37 CFR 1.66 or 1.68. The Examiner is incorrect. The applicant submitted a properly executed declaration on July 9, 2001 in response to a Notice to File Missing Parts notification. A copy of the submitted oath is provided for the Examiner's convenience.

The Examiner objected to the specification for several informalities and required certain minor corrections. Each of these corrections to the specification has been made.

The Examiner objected to dependent claim 9 under 37 CFR 1.75(c) as being in improper dependent form and rejected claim 9 under 35 U.S.C. § 112, first and second paragraphs. Dependent claim 9 has been canceled.

The Examiner rejected claim 6 under 35 U.S.C. § 112 as being indefinite, contending that the phrase "in a manner" was vague and lacked assertiveness. Claim 6 has been amended to remove this phrase.

The Examiner rejected claims 1-5 under 35 U.S.C. § 102(a) as being anticipated by "Applicant's Admitted Prior Art (AAPA)" in Applicant's "Background of the Invention" Section. Claims 1-5 have been canceled and replaced by new claims 10-15. The applicant notes that new independent claim 10 includes the limitation of "a managing system capable of saving said edited respective image or video to said storage device in a file format that includes said meta data portion and an unmodified said image pixel data portion." This limitation distinguishes claim 10 over the prior art discussed in Applicant's "Background of the Invention" section because that prior art rewrites the image pixel data of an image file upon saving an edited image. Dependent claims 11-15 depend from claim 10 and are therefore also distinguished over the cited AAPA.

The Examiner rejected independent claim 6 under 35 U.S.C. § 102(b) in view of Ratakonda, U.S. Patent No. 5,995,095. Ratakonda discloses an automated video summarization and browsing system that automatically extracts key frames from a video sequence and

summarizes them for presentation to a user. The method of Ratakonda permits presentation of the summary to the user at one of several image resolutions. The Examiner contends that (1) the key frame summary at one resolution comprises a list; (2) key frames at different resolutions are additional image content; and (3) a display of the viewed resolution would indicate to a user, free of interruption of the user's work flow, the availability of additional image resolutions were available.

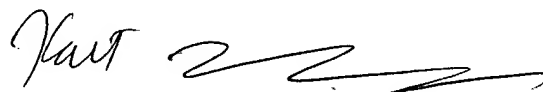
Independent claim 6, as amended, includes the limitations of "maintaining a list of a plurality of user-selected image content", and "determining potential additional image content for said user based upon said list." Ratakonda discloses neither of these limitations. First, the "list" maintained by Ratakonda is not "user-selected" but instead is automatically compiled by a summarization algorithm using criteria independent of the selections of the user. Second, Ratakonda does not determine additional image content based upon a user-selected list; instead, the "additional image content" is predetermined by the summarization method, irrespective of which key frames are selected by the user for viewing.

For these reasons, independent claim 6, along with its dependent claims 7 and 8 are distinguished over Ratakonda and the Examiner's rejection of these claims should be withdrawn.

The Applicant has added new independent claim 16 which includes limitations not disclosed by the prior art.

In view of the foregoing amendments and remarks, the Applicant respectfully requests reconsideration and allowance of claims 6-8, and 10-16.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kurt", followed by a long, horizontal, wavy line that extends across the width of the signature area.

Kurt Rohlf
Reg. No. 54,405
Tel No.: (503) 227-5631